

A bill for an act
relating to elections; providing for a presidential primary; expanding the
definition of public official in campaign finance and public disclosure law;
requiring primaries for election of soil and water conservation district
supervisors; amending Minnesota Statutes 2008, sections 10A.01, subdivision
35; 103C.305, subdivision 1; 201.014, by adding a subdivision; proposing coding
for new law in Minnesota Statutes, chapter 207A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1
PRESIDENTIAL PRIMARY

Section 1. [207A.15] PRESIDENTIAL PRIMARY.

A presidential primary must be held on the first Tuesday in February of each year in
which a president and vice president of the United States are to be nominated and elected,
at which the voters of this state may express their preference among the candidates of the
major political party of their choice, for that party's nomination to be president of the
United States or may vote for uncommitted delegates to the national party convention. For
the purposes of this chapter, "political party" or "party" means a major political party as
defined in section 200.02, subdivision 7.

Sec. 2. [207A.20] CANDIDATES ON BALLOT.

Subdivision 1. **Required listing.** The following individuals must be listed as
candidates on the appropriate major political party presidential ballot with a separate
ballot for each major political party:

(1) any individual who files an affidavit of candidacy under section 204B.06 and submits the appropriate filing fee or petition in place of filing fee under section 204B.11; and

(2) any individual nominated as a candidate for the presidential nomination of a political party by a petition submitted not later than ten weeks before the primary and bearing the names of 1,000 eligible voters from each congressional district.

In addition, each major political party's ballot must contain a place for a voter to indicate a preference for having delegates to the party's national convention remain uncommitted, and a blank line printed below the other choices on the ballot so that a voter may write in the name of a person who is not listed on the ballot.

The candidates must be listed on the appropriate major political party ballot in the order that the affidavits of candidacy or nominating petitions for the candidates are filed with the secretary of state.

Subd. 2. **Time for filing; fee.** The period for filing an affidavit of candidacy for the presidential primary must begin 16 weeks before the primary and end 14 weeks before the primary. The filing fee is \$500. The period for signing nominating petitions must begin 16 weeks before the primary and end ten weeks before the primary.

Subd. 3. **Announcing candidates.** Candidates who have filed an affidavit of candidacy under subdivision 1, clause (1), for each political party on the presidential primary ballot must be announced by the secretary of state the day after filings close for the purpose of giving voters sufficient time to nominate other candidates by petition.

Subd. 4. **Announcement.** The determination of which candidates must be listed on the presidential primary ballot must be made by the secretary of state not later than eight weeks before the presidential primary. The secretary of state shall certify to the county auditor of each county the names of all candidates in the presidential primary at least seven weeks before the primary.

Subd. 5. **Notification.** Not later than three days after the last day for filing a nominating petition under subdivision 1, clause (2), the secretary of state shall notify each individual whose name is to be listed on the presidential primary ballot that the individual's name will be listed unless the individual submits an affidavit stating that the individual is not a candidate for the presidential nomination, does not intend to become a candidate, and would not accept the nomination. The affidavit must be submitted to and received by the secretary of state no later than eight weeks before the presidential primary.

Sec. 3. **[207A.30] PRESIDENTIAL PRIMARY; HOW CONDUCTED.**

Subdivision 1. **General rule.** Except as otherwise provided in this chapter, the presidential primary must be conducted, and the results canvassed and returned in the manner provided by law for the state primary. If a municipality which uses an electronic voting system determines that the use of the voting system would not be practical in the presidential primary, the municipality may use paper ballots for the presidential primary.

Subd. 2. **Voter certification; ballot.** An individual seeking to vote at the presidential primary shall request the ballot of the party for whose candidates the individual wishes to vote. The polling place roster for the presidential primary must list the names of the political parties appearing on the ballot at the presidential primary. Before receiving a ballot, a voter shall sign the polling place roster and shall indicate the name of the political party whose ballot the voter requested. On completing the voting process, the voter must be issued a certificate indicating that the person voted and for which party.

Sec. 4. **[207A.35] AUDITOR FURNISHED INFORMATION BY SECRETARY OF STATE; BALLOT PREPARATION.**

Subdivision 1. **Notice of filing period.** Twenty weeks before a presidential primary is to be held, the secretary of state shall provide notice to the county auditor of each county of the date of the presidential primary. Within ten days after notification by the secretary of state, each county auditor shall provide notice of the date of the presidential primary to each municipal clerk in the county.

Subd. 2. **Notice of primary.** At least 15 days before the date of the presidential primary, each municipal clerk shall post a public notice stating the date of the presidential primary, the location of each polling place in the municipality, and the hours during which the polling places in the municipality will be open. The county auditor shall post a similar notice in the auditor's office with information for any polling places in unorganized territory in the county. The governing body of a municipality or county may publish the notice in addition to posting it. Failure to give notice does not invalidate the election.

Subd. 3. **Ballot preparation.** The secretary of state shall prepare paper ballots, absentee ballot envelopes, ballot return envelopes, election return envelopes, and summary statements for use in the presidential primary. The ballots must be printed on white paper with a separate ballot for the names of the candidates of each political party.

Sec. 5. **[207A.40] SELECTION OF DELEGATES; NATIONAL CONVENTION BALLOTING.**

Subdivision 1. **Apportionment of votes.** The delegates to the national convention of each political party appearing on the presidential primary ballot who are chosen on the

basis of their support for particular presidential candidates must be apportioned among the various candidates of that party receiving votes in the presidential primary in proportion to their respective vote totals.

The secretary of state shall certify to the state chair of each political party appearing on the presidential primary ballot the number of delegates to which each presidential candidate is entitled.

Subd. 2. **Chosen delegates.** Delegates to the national convention of each political party appearing on the presidential primary ballot must be chosen by the state convention or congressional district convention of that party, except as otherwise provided in this subdivision. The secretary of each party's state convention or congressional district convention shall promptly notify the secretary of state of the names of the delegates to the national convention chosen as supporters of each presidential candidate.

Subd. 3. **Delegate votes.** At the national convention, delegates chosen because of their support for a presidential candidate shall vote for that candidate on the first ballot, unless they have been released from that obligation by the candidate. This subdivision does not apply to delegates to the extent that it is inconsistent with the rules of the national party or state party.

Sec. 6. [207A.45] USE OF VOTING MACHINES.

The county auditor of each county in which electronic voting systems are used shall provide all ballots, ballot labels, ballot cards, and other necessary printed forms and supplies needed to place the ballots required by this chapter on the voting systems which otherwise are provided by the state when paper ballots are used. The total cost of printing and providing the forms must be paid by the state.

Sec. 7. [207A.50] INFORMATION ON PARTY CHOICE.

Notwithstanding section 204C.18, subdivision 1, or other law to the contrary, a person entitled to inspect the duplicate registration file or receive a copy of a current precinct list under section 201.091 must also be informed of the party choice of any voter who voted in the most recent presidential primary under this chapter.

Sec. 8. [207A.55] RULEMAKING AUTHORITY.

The secretary of state shall adopt rules to implement the provisions of this chapter as follows:

(1) to implement section 207A.50;

(2) to determine a method for verifying the signatures on nominating petitions and petitions in place of filing fees for the presidential primary;

(3) to determine the format of the presidential primary ballots; and

(4) to determine the manner of paying or reimbursing the costs to the counties of conducting the presidential primary.

Sec. 9. **[207A.60] REIMBURSEMENT OF ELECTION EXPENSES.**

Subdivision 1. Duties of secretary of state. The secretary of state shall reimburse the counties and municipalities for expenses incurred in the administration of the presidential primary from the funds appropriated by the legislature for this purpose, as provided in this section. Up to \$7,500 of the appropriation for reimbursement of election expenses may be retained by the secretary of state to administer the reimbursement program.

Subd. 2. Reimbursable expenses. The following expenses are eligible for reimbursement: salaries of election judges; postage for absentee ballots; preparation of polling places; preparation of electronic voting systems, in an amount not to exceed \$50 per precinct; compensation of county canvassing board members; publication of the sample ballot; and compensation for temporary staff or overtime payments.

Subd. 3. Certification of costs. The county auditor shall certify to the secretary of state the costs incurred by the county for the presidential primary. The municipal clerk shall certify to the secretary of state the costs incurred by the municipality for the presidential primary. If the total amount certified by all units for temporary staff and overtime payments exceeds \$480,000, the secretary of state shall reduce those amounts so that they do not exceed \$480,000. The secretary of state shall provide each county and municipality with the appropriate forms for this certification. The secretary of state may require that the county auditor or municipal clerk provide documentation of actual expenditures made for the presidential primary. The certification of costs must be submitted to the secretary of state no later than 60 days after the presidential primary. No reimbursement of expenses must be made unless the certification of costs has been submitted as provided in this subdivision.

Subd. 4. Apportionment of reimbursements. If the total amount of requests for reimbursement of expenses exceeds the total amount appropriated to the secretary of state for this purpose, the secretary of state shall proportionately reduce the reimbursements so that they do not exceed the amount appropriated.

Sec. 10. **[207A.65] CAUCUSES.**

In years in which a presidential primary is held, precinct caucuses and conventions must be held in accordance with chapter 202A, except that:

(1) precinct caucuses must be held on the night of the presidential primary unless a party's governing party chooses a later date; and

(2) a caucus participant must show evidence of having voted at the presidential primary using the ballot of the party holding the caucus unless the caucus convener makes an exception for a participant for good cause shown.

ARTICLE 2

ELECTION AND PUBLIC DISCLOSURE LAW CHANGES

Section 1. Minnesota Statutes 2008, section 10A.01, subdivision 35, is amended to read:

Subd. 35. **Public official.** "Public official" means any:

(1) member of the legislature;

(2) individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house of representatives, revisor of statutes, or researcher, legislative analyst, or attorney in the Office of Senate Counsel and Research or House Research;

(3) constitutional officer in the executive branch and the officer's chief administrative deputy;

(4) solicitor general or deputy, assistant, or special assistant attorney general;

(5) commissioner, deputy commissioner, or assistant commissioner of any state department or agency as listed in section 15.01 or 15.06, or the state chief information officer;

(6) member, chief administrative officer, or deputy chief administrative officer of a state board or commission that has either the power to adopt, amend, or repeal rules under chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;

(7) individual employed in the executive branch who is authorized to adopt, amend, or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;

(8) executive director of the State Board of Investment;

(9) deputy of any official listed in clauses (7) and (8);

(10) judge of the Workers' Compensation Court of Appeals;

(11) administrative law judge or compensation judge in the State Office of Administrative Hearings or unemployment law judge in the Department of Employment and Economic Development;

S.F. No. 157, as introduced - 86th Legislative Session (2009-2010) [09-0547]

(12) member, regional administrator, division director, general counsel, or operations manager of the Metropolitan Council;

(13) member or chief administrator of a metropolitan agency;

(14) director of the Division of Alcohol and Gambling Enforcement in the Department of Public Safety;

(15) member or executive director of the Higher Education Facilities Authority;

(16) member of the board of directors or president of Enterprise Minnesota, Inc.;

(17) member of the board of directors or executive director of the Minnesota State High School League;

(18) member of the Minnesota Ballpark Authority established in section 473.755;

(19) citizen member of the Legislative-Citizen Commission on Minnesota Resources;

(20) manager of a watershed district, or member of a watershed management organization as defined under section 103B.205, subdivision 13;

(21) supervisor of a soil and water conservation district;

(22) director of Explore Minnesota Tourism; ~~or~~

(23) citizen member of the Lessard Outdoor Heritage Council established in section 97A.056~~2~~;

(24) district court judge, Appeals Court judge, or Supreme Court justice; or

(25) county commissioner.

Sec. 2. Minnesota Statutes 2008, section 103C.305, subdivision 1, is amended to read:

Subdivision 1. **Time for election.** Elections must be held at the state general election specified in section 204D.03, subdivision 2. A primary ~~may not~~ must be held if there are more than two candidates for any available supervisor position.

Sec. 3. Minnesota Statutes 2008, section 201.014, is amended by adding a subdivision to read:

Subd. 1a. **Voting in primary.** Notwithstanding the requirement in subdivision 1, clause (a), an individual who meets all other eligibility requirements may vote in a primary in order to select the candidates who will be on the general election ballot if the person will be 18 years of age at the time of the general election.

APPENDIX
Article locations in 09-0547

ARTICLE 1 PRESIDENTIAL PRIMARY Page.Ln 1.9
ARTICLE 2 ELECTION AND PUBLIC DISCLOSURE LAW CHANGES Page.Ln 6.8